

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **HUMBERTO ROSADO, M.D.**

4 Holder of License No. 19978
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-12-1484A

**ORDER FOR PROBATION AND
CONSENT TO SAME**

7 Humberto Rosado, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of
12 the practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 19978 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-12-1484A to conduct a chart review to
16 determine compliance with Respondent's August 2008 Board Order of Stayed Revocation,
17 Practice Restriction and Ten Year Probation.

18 4. On August 20, 2008, Respondent entered into a Consent Agreement for
19 Stayed Revocation, Practice Restriction and Ten year Probation. The Agreement required
20 Respondent to have a third party present while examining, treating, or providing services
21 to female patients in all settings. It further specified that the third party be a female
22 licensed healthcare provider employed by Respondent of the clinic, and not be a
23 representative or relative who accompanied the patient. According to the terms of the
24 Agreement, Respondent has to instruct the third party to document her presence by
25 signing, dating and legibly printing her name on each chart at the time of the exam.
chaperone

5. Board staff reviewed four patient charts and noted that Respondent is currently practicing at multiple locations. The medical records for patients EA and BS were reviewed to determine if there was a female chaperone presenting during their visit with Respondent. Board staff determined that EA's and BS's charts indicate that a chaperone was present during the visit.

6. The chart for patient LH was also reviewed to determine if there was a female chaperone present during Respondent's visit with the patient. Board staff contacted the chaperone for the visit of September 7, 2012 and the chaperone did not provide confirmation to the Board for the visit, although she did confirm a visit on December 20, 2012. A third visit by patient LH on December 7, 2012 fails to note the presence of a chaperone.

CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provisions of this chapter. ").

ORDER

IT IS HEREBY ORDERED that:

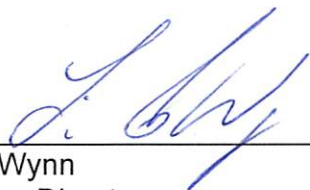
Respondent is placed on Probation for **six months** with the following terms and conditions:

Within 30 days of the effective date of this Order, Respondent shall pay a civil penalty of **one thousand dollars**. The probation shall terminate upon payment of the civil penalty.

1 The Board retains jurisdiction and may initiate new action based upon any
2 violation of this Order.

3 DATED AND EFFECTIVE this 8th day of AUGUST, 2013.

4 ARIZONA MEDICAL BOARD

5
6 By 
7 Lisa S. Wynn
8 Executive Director

9 **CONSENT TO ENTRY OF ORDER**

10 1. Respondent has read and understands this Consent Agreement and the
11 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
12 acknowledges he has the right to consult with legal counsel regarding this matter.

13 2. Respondent acknowledges and agrees that this Order is entered into freely
14 and voluntarily and that no promise was made or coercion used to induce such entry.

15 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
16 to a hearing or judicial review in state or federal court on the matters alleged, or to
17 challenge this Order in its entirety as issued by the Board, and waives any other cause of
18 action related thereto or arising from said Order.

19 4. The Order is not effective until approved by the Board and signed by its
20 Executive Director.

21 5. All admissions made by Respondent are solely for final disposition of this
22 matter and any subsequent related administrative proceedings or civil litigation involving
23 the Board and Respondent. Therefore, said admissions by Respondent are not intended
24 or made for any other use, such as in the context of another state or federal government
25

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
5 entry of the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result
17 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
18 consent agreement or stipulation issued or entered into by the board or its executive
19 director under this chapter") and 32-1451.

20 11. *Respondent has read and understands the conditions of probation.*

21

22 Humberto Rosado
23 Humberto Rosado, M.D.

DATED: 5/30/2013

24

25 EXECUTED COPY of the foregoing mailed
this 8th day of August, 2013 to:

1 Humberto Rosado, M.D.
2 ADDRESS OF RECORD

3 ORIGINAL of the foregoing filed
4 this 8th day of August, 2013 with:

5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

8 Mary Baker
9 Arizona Medical Board Staff